

UNITED STATES DISTRICT COURT
District of Maine

Docket No. 2:20-cv-00373-JDL

DOMINGUS NOBREGA,
Plaintiff

v.

YORK COUNTY and YORK COUNTY
SHERIFF,
Defendants

ANSWER AND AFFIRMATIVE DEFENSES TO AMENDED COMPLAINT

NOW COME Defendants York County and York County Sheriff, by and through undersigned counsel, and hereby respond to the allegations contained in Plaintiff's Amended Complaint as follows:

AFFIRMATIVE DEFENSES

A. Plaintiff's Amended Complaint fails to state a cause of action upon which relief may be granted.

B. Plaintiff has not suffered any compensable damages resulting from the claims alleged in Plaintiff's Amended Complaint.

C. Plaintiff's damages, if any, were directly and proximately caused by the acts and/or omissions of an individual and/or entity other than these Defendants.

D. Plaintiff's damages, if any, were directly and proximately caused by a legally sufficient superseding/intervening cause.

E. Plaintiff has failed to mitigate his damages as required by law.

F. Defendants are entitled to immunity, including all immunities available under the Maine Tort Claims Act and qualified immunity.

G. Plaintiff's claims are barred by provisions of the Prison Litigation Reform Act, including but not limited to 42 U.S.C. § 1997e(a) and/or 42 U.S.C. § 1997e(a).

ANSWER

1. The Defendants deny each and every averment set forth in Plaintiff's Amended Complaint.¹

WHEREFORE, Defendants pray for judgment in their favor against Plaintiff plus costs, interest, and attorneys fees.

Dated: December 15, 2020

/s/ Peter T. Marchesi
Peter T. Marchesi, Esq.

/s/ Cassandra S. Shaffer
Cassandra S. Shaffer, Esq.

Wheeler & Arey, P.A.
Attorneys for Defendants
27 Temple Street
Waterville, ME 04901

¹In that Plaintiff's Amended Complaint does not contain numbered paragraphs and is difficult to decipher, Defendants can only provide a general denial.

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CERTIFICATE OF SERVICE

I, Peter T. Marchesi, Esq., attorney for Defendants, hereby certify that:

- Answer and Affirmative Defenses to Amended Complaint

has been served this day on Plaintiff by filing with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the following:

None

Copies of the above documents have been provided to the Plaintiff via United States Mail, postage prepaid, at the following address:

Domingus Nobrega
1 Layman Way
Alfred, ME 04002

Dated: December 15, 2020

/s/ Peter T. Marchesi
Peter T. Marchesi, Esq.
Wheeler & Arey, P.A.
Attorneys for Defendants
27 Temple Street
Waterville, ME 04901